

2026:PHHC:010513-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

114

LPA-3184-2025 (O&M)  
Date of Decision: 15.01.2026

Satyawan

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Ajay Chaudhary, Advocate for the appellant.

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**VIKAS SURI, J.**

1. The present intra-court appeal has been filed impugning the order dated 08.08.2025 passed by the learned Single Judge, whereby the writ petition preferred by the appellant has been dismissed. The challenge in the writ petition was to the orders passed by the Canal Authorities under the Haryana Canal and Drainage Act, 1974 (for short, 'Act of 1974'), directing restoration of the permanent water course, which was held to have been continuously running for the last 34 years.

2. Learned counsel for the appellant has argued that the land of respondent No.5-Khazan son of Nathu, would be better irrigated through the water course 'ADE' and thus, there was no justification for restoring the water course 'BC'. It is further contended that despite fixation of *nakka* on the water course 'BC', respondent No.5 has been irrigating his holding through the alternative water course. Therefore, the water course

**LPA-3184-2025**

suggested by the Sub Divisional Canal Officer should have been approved.

3. We have heard learned counsel for the appellant and with his able assistance, perused the material placed before us.

4. Admittedly, respondent No.5-Khazan had filed an application under Section 24 of the Act of 1974 seeking restoration of the demolished water course, alleging that the same had been demolished by the appellant. The application was contested by the appellant and the Sub Divisional Canal Officer rejected the claim vide order dated 15.06.2023 (Annexure P-4), by observing that there was no water course as alleged and respondent No.5 was irrigating his area from another water course. The appeal preferred against the aforesaid order was dismissed vide order dated 27.08.2024 (Annexure P-5). However, the revisional authority remanded the matter to the Divisional Canal Officer, Hisar, vide order dated 10.12.2024 (Annexure P-6). Upon remand, the contesting parties again put-forth their case before the Divisional Canal Officer, Hisar, who ordered restoration of the water course, vide order dated 17.03.2025 (Annexure P-7). The order came to be challenged through a revision petition preferred by the appellant, which was dismissed by the Superintending, Canal Officer, Hisar, vide order dated 02.07.2025 (Annexure P-8). The revisional authority concluded that in the matters relating to restoration of water course, the Divisional Canal Officer Barwala, cannot suggest an alternative. Thereby, the decision dated 17.03.2025 by the Divisional Canal Officer, Hisar, was upheld, which authority ordered restoring the water course 'BC' on permanent basis.

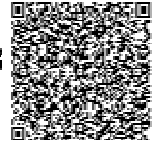
**LPA-3184-2025**

5. The appellant failed to refer to any material before the writ Court to dislodge the findings returned by the Divisional Canal Officer, Hisar as well as the Superintending Canal Officer, Hisar, which were found to be based upon the record, i.e. *khaka* plan and *warabandi*.

6. Even before this Court, learned counsel for the appellant has not been able to refer to any material which would suggest otherwise than what has been concluded by the Canal Authorities.

6.1 On the contrary, the Canal Authorities have taken into consideration the approved *parat warabandi* dated 09.03.1998, 04.04.2021 and 27.06.2024 as well as the delivery point of *wari* (turn) of respondent No.5 for his holding admeasuring 43K-0M, which is shown to be fixed at point 'C' of water course 'BC', as marked on the *khaka* plan. Based upon the record, the Canal Authorities concluded that the water course 'BC' had been continuously running for the last 34 years. Therefore, direction was issued for restoration of the said water course.

7. The concurrent findings of fact returned by the Canal Authorities have not been shown to be perverse on facts or in law. It is not disputed that a water course running continuously for more than 30 years falls within the ambit of permanent water course as defined under Section 2(15) of the Act of 1974. It is also borne out from the record that the matter was thrashed out afresh on being remanded in the earlier round of litigation and has been decided afresh. The water course 'BC' was held to be running in the middle line in rectangle/killi No.209//14-17/1 in the chak of outlet RD 64438-R Masudpur Panihari Link Channel in Village



**LPA-3184-2025**

Masudpur, Tehsil Hansi. The said water course is shown to be one under Section 2(15) of the Act *ibid*.

8. Learned counsel for the appellant has failed to show that the findings recorded by the Canal Authorities are incorrect in any manner either on facts or the law governing the issue, or that there is any perversity in the impugned order dated 08.08.2025 passed by the learned Single Judge. Thus, no ground is made out warranting interference by this Court.

9. Resultantly, the present appeal, being devoid of any merit, is dismissed.

10. Pending application(s), if any, also stand closed.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**(VIKAS SURI)**  
**JUDGE**

15.01.2026  
*sumit.k*

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |